

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM PARKER	)	No. 2:23-cv-2102
	)	
Plaintiff,	)	
	)	
v.	)	JURY TRIAL DEMANDED
	)	
EDWARD C. GAINY, et al.	)	
	)	
Defendants.	)	

**SECOND MOTION FOR LEAVE TO FILE AMENDED COMPLAINT PURSUANT TO FED.  
R. CIV. P. 15(a)(2)**

1. On December 13, 2023, Plaintiff William Parker, filed suit against the City of Pittsburgh (“City”) and other individual defendants pro se alleging violations of his constitutional rights pursuant to U.S.C. § 1983. (ECF No. 1).
2. On February 16, 2024, the City filed a motion to dismiss for failure to state a claim. (ECF No. 12).
3. On March 12, 2024, Mr. Parker filed a motion to extend time which was granted on March 15, 2024. (ECF Nos. 14 and 16).
4. On March 25, 2024, Ms. Hallam filed a motion to dismiss for failure to state a claim. (ECF No. 17). Mr. Parker was ordered to file a brief in response on or before April 16, 2024. (ECF No. 18).
5. On May 10, 2024, a motion to dismiss for failure to state a claim as to Edward C. Gainey. (ECF No. 21). Further, partial motions to dismiss for failure to state a claim were filed as to Kerry Ford, Michael Gay, and Larry Scirocco. (ECF Nos. 21, 23, 25, and 27). Mr. Parker was ordered to file an omnibus brief in response to the Defendants’ motions on or before June 10, 2024.
6. Undersigned counsel was retained by Mr. Parker on June 6, 2024.

7. On June 6, 2024, undersigned counsel contacted Assistant City Solicitor Hillary Weaver requesting consent to the instant motion and allowing forty-five (45) days for the filing of same. Attorney Weaver consented as to the City of Pittsburgh, Mr. Gainey, Officer Gay, Officer Scirotto, Officer Ford, and Officer Ferrilli. Additionally, undersigned counsel attempted to contact Attorney Elisabeth Bennington, counsel of record for Ms. Hallam, for consent to the instant motion and was informed to direct the request to Attorney Brad Korinski.
8. On June 10, 2024, Attorney Korinski responded by email consenting to the instant motion.
9. On June 11, 2024, this Honorable Court granted leave for Mr. Parker to file an amended complaint.
10. On July 25, 2024, Mr. Parker through undersigned counsel filed an Amended Complaint.
11. On August 7, 2024, Attorney Hillary Weaver provided a meet and confer letter to undersigned counsel. Subsequently, undersigned counsel and Attorney Weaver held a telephone conference to discuss same. The parties agreed that Mr. Parker would file a Second Amended Complaint to attempt to resolve as many issues prior to initiating motion proceedings.
12. On August 29, 2024, undersigned counsel met with Attorney Korinski, counsel for Bethany Hallam, to meet and confer regarding the Amended Complaint.
13. On September 5, 2024 a consent motion to extend time was filed and an extension was granted until September 20, 2024.
14. Mr. Parker, by and through counsel, requests leave of this Honorable Court to file a Second Amended Complaint. The Second Amended Complaint is in response to the meet and confer meetings held with Defendants' counsel.
15. The Second Amended Complaint is attached to the instant motion.
16. A proposed order is attached.

WHEREFORE, the Plaintiff, William Parker, respectfully requests that this Honorable Court grant his request to file a Second Amended Complaint.

Respectfully submitted,

SMT LEGAL

Date: 9/20/2024

/s/Ryan Nye Gailey  
Ryan Nye Gailey, Esquire  
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**CERTIFICATE OF SERVICE**

I, Ryan Nye Gailey, Esquire, hereby certify that a true and correct copy of Plaintiff's MOTION FOR LEAVE TO FILE AMENDED COMPLAINT PURSUANT TO FED. R. CIV. P. 15(a)(2) and CERTIFICATE OF CONFERRAL have been served this 20<sup>th</sup> day of September, 2024, by electronic mail and/or U.S. Postal Service, upon the following:

Hillary Weaver City of Pittsburgh Law Department 414 Grant Street Ste 3rd Floor Pittsburgh, PA 15219 412-255-2014 Email: <a href="mailto:hillary.weaver@pittsburghpa.gov">hillary.weaver@pittsburghpa.gov</a>	Juliana Tindall City of Pittsburgh Law Department 414 Grant Street Ste 3rd Floor Pittsburgh, PA 15219 412-255-2015 Email: <a href="mailto:juliana.tindall@pittsburghpa.gov">juliana.tindall@pittsburghpa.gov</a>
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Respectfully submitted,

SMT LEGAL

Date: 9/20/2024

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